



CLIFTON TOWN COUNCIL MEETING MINUTES
TUESDAY, March 3, 2015, 7:30 PM
CLIFTON TOWN MEETING HALL
12641 CHAPEL ROAD
CLIFTON, VA 20124

Town Council Present:	Mayor Bill Hollaway*; Vice Mayor Dwayne Nitz*; Deborah Dillard; Jennifer Heilmann; Eric Hencken; and, Wayne Nickum.	Absent:
Town Officials Present:	Town Clerk/Manager: Sandra Scales-Siwiek Treasurer: Marilyn Barton	Absent:

Summary of Motions:

1. Public Meeting – No Motions							
2. Review of Prior Minutes							
2.1. Approved: October 2014:	Motion:	D.Dillard	2 nd :	W.Nickum	Vote:	Approved Unanimous	
					*Out:	W.Hollaway ,D.Nitz	
2.2. Approved: November 2014:	Motion:	J.Heilman n	2 nd :	W.Nickum	Vote:	Approved Unanimous	
					*Out:	W.Hollaway ,D. Nitz	
2.3. Tabled: December 2014;	Motion:	W.Nickum	2 nd :	D.Dillard	Vote:	Approved Unanimous	
					*Out:	W.Hollaway ,D.Nitz	
E.Hencken questions investment amount at \$100,000, Tabled.							
3. Report of Treasurer.							
3.1. Financial Report							
3.2. Statistical Report on BPOL Filings							

3.3. Statistical Report on Town License Tags.						
3.4. Approve Treasurer's Report as presented	Motion:	W.Nickum	2nd:	W.Hollaway	Vote:	Approved Unanimous
3.5. Make Wayne Nickum Council Member for oversight of Car Tags as well as BPOL	Motion:	W.Hollaway	2nd:	E.Hencken	Vote:	Approved Unanimous
4. Reports of Planning Commission, Architectural Review Board and Committees:						
4.1. Planning Commission (PC) -- 5 Applications						
4.1.1. Approved: 7153 Main St / Speziale / Pool – PC recommends approval	Motion:	W.Nickum	2nd:	W.Hollaway	Vote:	Approved Unanimous
Motion to approve recommendation of PC, with ARB approval of fence; Mayor to sign Building Permit.						
4.1.2. Approved: 12634 Chapel Rd (Old Town Hall) / Hollaway / Addition	Motion:	W.Nickum	2nd:	J.Heilmann	Vote:	Approved Unanimous (5/5)
					Recuse:	W.Hollaway
Motion to approve recommendation of PC with ARB approval of screening for trash; Vice Mayor D.Nitz to sign Building Permit.						
4.1.3. 12644 Chapel Rd / 2 Locals Brew Pub – PC tabled to next month; No Council Action Required.						
4.1.4. 7184 Clifton Rd/Atl Metropolitan/ Home – PC tabled to next month; No Council Action Required.						
4.1.5. Approved: Move T&K Treasures /to 7145 Main St /from 12644 Chapel Rd..						
Motion to approve recommendation of PC with additional 3 parking spaces and ARB approval of sign.	Motion:	D.Dillard	2nd:	D.Nitz	Vote:	Approved Unanimous
4.2. Architecture Review Board (ARB) - 3 applications were considered by ARB.						
4.2.1. Approved Triangle Sign / Town of Clifton	Motion:	None	2nd:		Vote:	
ARB discussed modification of materials and approved improved design.						
4.2.2. Approved 12634 Chapel Rd (Old Town Hall) / Hollaway / Addition	Motion:	None	2nd:		Vote:	
Applicant lowered gable; ARB eliminated loading space based on neighboring property never needing theirs.						

4.2.3. 7140 Main/Main St Pub/ McNamara: 1) metal door - approved; 2) vinyl clad window - revise; 3) vinyl railing front porch - revise; and, 4) sandwich board sign - revise. Return after revisions are complete. Motion: None			
4.3. Committees:			
4.3.1. Clifton Arts Council			
4.3.1.1. Status Report -- Play Reading, "Shutter." No Motions			
4.3.1.2.	Motion: W.Hollaway	2 nd : J.Heilmann	Vote: Roll Call -- Approved Unanimous
Clifton Dessert Theatre-- Cabaret Through Time. Approve Clifton Dessert Theatre budget for performances June 4, 5,& 6.			
Mayor Bill Hollaway:	Aye	Deborah Dillard:	Aye
Vice Mayor Dwayne Nitz:	Aye	Jennifer Heilmann:	Aye
Wayne Nickum:	Aye	Eric Hencken:	Aye
4.3.2. History Committee			
4.3.2.1. Approve use of Town Hall on April 29 at no charge and waive deposit for History Committee to host speaker on "Skirmish at Arundel Tavern."	Motion: W.Nickum	2 nd : D.Nitz	Vote: Approved Unanimous
4.3.3. Industrial Development Authority – Membership Revisions	Motion: W.Hollaway	2 nd : W.Nickum	Vote: Approved Unanimous
Approve reappoint members to new 4 year terms ending as follows: Jeff Stein 3/4/18; William Ridenour 3/4/18; Brant Baber 3/4/19.			
4.3.4. Clifton Gala – Proposed Schedule	Motion: None	2 nd :	Vote:
5. Communications			
5.1.1. Approve Presbyterian Church Spaghetti Dinner Banner March , 2015.	Motion: W.Nickum	2 nd : D.Dillard	Vote: Approved Unanimous
6. Citizen's Remarks – No Motions.			
7. Unfinished Business			
7.1. Report on Investigation of Complaint Re: Alleged Violations at Main Street Pub.	Motion: None	2 nd :	Vote:

7.2. Table Agenda Items 7.b, c, d, e, and 8.b and c.		Motion:	W.Hollaway	2nd:	E.Hencken	Vote:	Approved Unanimous
7.b. Golf Cart Ordinance							
7.c. Policies on Rental of Town Hall							
7.d. Committee Policy							
7.e. Budget FYE1606 Discussion							
8.b. Request for Plaque – Re: Caboose History and Insallation							
8.c. Potential Green space Acquisition							
8. Adjournment.		Motion:	W.Nickum	2nd:	D.Nitz	Vote:	Approve Approved Unanimous

Order of Business:

1. Public Meeting – Outdoor Music and Noise Ordinance. (BH, WN come in)

Fairfax County Planning and Zoning Presentation by Leslie B. Johnson, Zoning Administrator and Lorrie Kirst, Senior Deputy Zoning Administrator. Summarized their analysis of requirements for new Chapter 108.1 County Code -Noise Ordinance replacing Chapter 108 and Article 6 of Chapter 5 Excessive Noise Generation in Residential Areas and Dwellings. Changes were made in response to the Virginia State Supreme Court ruling throwing out the Virginia Beach ordinance as too vague for the reasonableness standard for nuisance noise was very subjective and that was thrown out as unconstitutional and arbitrary.

The overall framework of the new ordinance is to:

- Prohibit certain activities (prohibitions);
- Exclude certain activities from the Noise Ordinance (exceptions); and
- When not specifically prohibited or excepted, then activities or sources of sound would be subject to maximum decibel levels.

The above framework is further qualified by time, location, and duration limitations. However, noted that in some jurisdictions, the Plainly Audible standard has evolved as the better option.

They collected comments in a series of public outreach sessions. Generally, the discussion and concerns focused on Time/day/distances variables for the list of prohibited noises; enforcement/penalties, that is who would enforce it and what penalties attached; methodology for determining acceptable noise levels; and specific categories of noises, that is loudspeakers versus animals.

Amplified sound, particularly at high school games was a difficult issue. Loudspeakers have to be turned off at 10 p.m. Game can continue to 11 p.m. Range for total noise is 60-72 decibel levels total noise including crowd noise. Ambient noise from traffic is 65 db and above. Fairfax residential district standard is 55 db during the day; 60 db at night.

The measurement is taken from the sound source. Commercial property is the source, cannot be more than 65 db on that property but 55 db on adjacent residential property. It is possible that noise at the sound source may include ambient sound not from that source.

Plainly audible standard was developed so Police can evaluate without a meter. They go into the complainant's property with doors and windows closed and discern where the noise is coming from, then it is a violation. Plainly audible standard is applied to people and animal generated noises.

There are caveats for reasonableness. Applies periods of time, consecutive minutes in specified window.

A 911 dispatcher (retired) responds that the Police Officer comes out and talks through it with the sound source. Third time out, writes a ticket. Call every time you hear it because the number of instances counts. Some commercial areas there are restaurants that crank it up and the officers respond hundreds of times.

Are vehicular modification, e.g. motorcycles in this ordinance? Covered by other sections of the code.

If Town Code varies from County do the Police enforce ours or the County's? Question for Police.

Timetable for Adoption: April 7, 2015 to BOS for Authorization; May 12, 2015 Public Hearing.

Handouts were distributed: Chapter 108.1 – Noise Ordinance and “Applicability of Proposed Noise Ordinance” date 2/11/15. Refer interested parties to the Noise Ordinance web site.

Public Meeting Announced. All commenters must register because we need the name address of commenters. Time limit of 3 minutes per speaker.

Mayor introduced the topic by reading aloud the current Town of Clifton Noise Ordinance. Chapter 5 Nuisances, Article 4 Noise.

1.1. Summary of introductory comments follows:

The scope of the Noise Ordinance is broad – animals, mowers, etc.

The issue on the table is what do we do about music – amplified music, live music and music from establishments even theoretically people's houses.

- Question (Randy Thompson): will you address all of that tonight?
- Mayor: We are going to redo the Noise Ordinance.
- Question (Randy Thompson): Has anything been a problem than Other than the complaints of the businesses? Do we have a whole bunch of new rules and regulations that everyone is upset about?
- Mayor: To the extent that our current ordinance is potentially unenforceable and that the County has done the spade-work for a new ordinance that is benign – no chain saws at night, fire trucks ok., etc. It is probably worth revising our code for that. Don't expect people to have a lot to say about that – it's kind of unremarkable.

The real focus tonight is the whole issue of outdoor music, amplified music, background music, live music, amplified live music, acoustic live music primarily from businesses in Town.

- Question (Randy Thompson): There is already is a 9 o'clock cutoff as it stands now, right?

- Mayor: That is the way it stands now. I will add that restaurants are subject to separate and perhaps more significant prohibitions than this. So, if you have a restaurant, you don't get to automatically do this, it could be more severe than that, in fact, it could be none.
- Question: (Randy Thompson): We [surrogate] every time we have a Town party, every time we have a Barn dance or something like that – is that how we want to live here?
- Mayor: No, and I don't think anyone is raising that. But you raise a valid point that under the code as it exists that it is not allowable, if two people from different households...
- Question: (Randy Thompson): if somebody calls and complains, yeah...
- Mayor: if two people - two people call, it is not permitted under here and as the County said, it would be at the discretion of the powers that be to go is this really out-of-line. Generally speaking we are talking about things that are really annoying. And, I haven't really seen that come up. The whole barking dogs that is a big issue in the County, not so much a big issue here. I don't see this as a full fledged enforcement of let's go after all these noise issues. However, to the extent that our existing code is out-of-date, we should bring it up-to-date, it is the wisest thing to do since we have to go through the noise ordinance anyway. That is not the big focus. The big focus is really the question of should we have music at restaurants, not have music, what kind of music, and how loud?

Will we allow music or not? It is legal and OK to say we won't allow music, but if you say yes we will allow music, the question is how do we measure it. Two ways, decibel meters and or can a person hear it. Scientific folk prefer the meter but on Main St a car drives by and how do we know it is measuring music from an establishment. So what's the standard? And, then, where do you measure it – at the property boundary as in our Code now? Or, recipient property boundary? Or, as the County set theirs, inside the house with doors and windows closed.

Enforcement – do you have someone walking around with a meter? Only if we went with db. Haven't heard anyone wants someone walking around with a meter. It's about someone calling when it's really loud. Send someone to check it out who, if they agree it is loud and asks it to be turned down. And, it isn't. Then that's when you go to the Code. People need to know what the rule is. And, businesses will design their practices around the rule.

Need to set the standard, a transparent, objective and enforceable.

So, part of this is establishing where we – as a community – want to go. How loud is it? And, where is it coming from. That is the Plainly Audible Standard. Plainly audible and discernable. Then the question is where is it coming from. That is, playing through speakers as background; or singing live music; or singing with the Marshall amps. That's sort of the landscape.

And, what's the interest of the Community and based on that write a standard. Not just write it – throw it out there -- without input.

- Question (Randy Thompson): Well not something as detailed as Fairfax County and what they were talking about. Seems to me that we don't have that... why don't we address, if there is a problem, that specifically and not get into a Marshall amp.

That is why the County's perspective is so valuable – they have gone through this, and we can learn from what they have done, learn what they ran into.

1.2. Registered Commenters. (See attached sign-in sheet.)

Quilley House 2/3/15			Clifton
Name	Address		Resident or Business
1. Ann Davison	7101 Sylvan/Gleason	FFV STA	
2. KATHY KALINOWSKI	12801 FORD LN	CLIF	
3. Erin Tengesdal	7211 Main St	Clifton VA	
4. Michaela Clairmonte	6912 White Rock Rd	Clifton	
5. Pete + Mary Mills	751 Main St	Clifton	R
6. Ed Dwyer	6300 Colchester Rd	(Bunny Man Bridge)	
7. Steve Effner	12749 Ford Lane	Cl. Pk	
8. STEVE BITTNER	12746 CHASE ST	CLIFTON	
9. DARRYL POE	12640 SCHOOL ST.	CLIFTON	
10. RICH ROSS	8104 Spruce Valley Ln	CLIFTON VA.	
11. LISA & BORIS POPULCH	7007 CLIFTON FOREST DR.	CLIFTON VA	
12. Mark Phelps	6812 White Rock Rd	CLIFTON, VA	
13. Brent Baber	12801 FORD LANE		RESID
14. Evelyn Larsen	6865 Kinyard Cir	Clifton	
15. Tom Van Blarcom	Winterview Lane	FFV Station VA	Business
16. Janice Netschelt			
17. Michael Axtan			
18. Steffen Tengesdal			
19. Blair Axtan			
20. Randy Thompson			
21. Jennifer Heilmann			
22. Marilyn Barton			
23.			
24.			
25.			

1.3. Summary of Verbal Comments

#1. **Anne Davison, Visitor**, President of FFX station Home Owner's Association. Music Agent for Rock n'Roll Hall of Famers. I come to you as a music lover but also someone who values my peace & quiet and privacy -- I live in the center of 10 acres for a reason. However, while you are formulating your policies of live music or not, It's not just amplification; not just the type of music, not just an acoustic guitar player. It's a matter of having proper sound equipment and a qualified sound technician to direct the sound, particularly outside. Should you decide to go with live music on a regular basis or very irregular basis, you might want to consider part of your regulation that business-owner be required to write into the musician's contract that a qualified sound technician be provided. Include that in ordinance. Written summary of comments provided.

Mayor: In addition to the whole business about type of music, no music, live music, background music, where is it received -- property boundary, recipient boundary, inside the house. We also have time of use, so you could have only Fridays and Saturdays, only between these times. Couple other options we can use as to how we design this. Another tool we have to manage it.

#2. **Kathy Kalinowski, Resident**. Ford Lane, Planning Commission (PC) Chair (8+ years). It was the PC that imposed the restriction on many of the restaurant business -- all but one -- of no outdoor music. The context -- these restrictions were established as restaurants were requesting to expand into outdoor spaces for dining. In some cases nearby neighbors expressed concerns about music outside. Many restaurant hours do not just go to 9 pm but to midnight, sometimes 1 a.m. depending on their own special events. Since this was a concern, the PC voted to prohibit outdoor music, especially given the close proximity of the businesses to residences. Speaking as a resident who has lived her 30+ years. Do not personally object to restaurants having outdoor music; do think we need a workable solution as to sound, location, time. Maybe not seven days a week, not until closing or 1 a.m. We need balance. We need good enforcement, sometimes restaurant owners are not paying attention or not on premises, or employees after hours have turned up the music and disrupt the neighborhood. We need someone to police and effectively give out tickets or notices to restaurant owners, managers, employees -- anyone who is engaging in live music or disrupts the public peace. It should not just rely on the neighbors and citizens to go down or call the business. Also, we are hearing that there is a lot of frustration about not having a good mechanism to file complaints.

#3. **Erin Tengesdal, Resident / Restaurant Business Owner**. Main Street. We want outdoor ambient music and outdoor performances. Friday / Saturday nights, 6-9 p.m. seems reasonable. If you can hear it inside the house, it's too loud. Also, everyone has my number, has my facebook. I'm all about working with the community. Looking for a win-win for everyone. Want our neighbors to know our door is always open.

#4. **Mikala Clairmonte, Visitor**. White Rock, outside town. In favor of outdoor music and patron of Clifton Café.

#5. **Pete Mills, Resident**. Chapel & Main. Hub of everything. Listen to trucks at 5 a.m., folks talking outside sometimes in loud voices in front of my house. I patronize the businesses. Appreciate folks like live music. Making it more complicated than needs to be. Used to be occasional music some evenings. Difference is we have moved from occasional nights to every night. Have lost the ability to sit on back porch to listen to own choice in music. Plainly audible standard is workable standard. Should be able to listen to what I want on my own back porch. Make restaurant manager check on the sound -- take a more active role in policing own establishment. Don't rely on resident

complaining – restaurant managers should cross the street and listen. Like to see managers take a more active role in policing their own establishments.

#6. Ed Dyer, Visitor. Colchester Rd, (Bunnyman Bridge) outside town. So I am familiar with loud music at least once a year. Lived outside of Town 30+ years. I've enjoyed the Town. In last decade has progressed from sleepy little Town in horse country to having several successful businesses in Town. Proud to say Clifton is my hometown. This is "Little Clifton." Don't need big rules like Fairfax County. Communication not Confrontation.

#7. Steve Effros, Resident. Ford Lane. Mayor gave a good summary. Not concerned about the special Town-hosted events. It is the every weekday and every weekend that is too much. It is every Friday night, every Saturday night and potentially all day long. Need some quiet time. I believe Clearly Audible is the measure because if I can tell what the music is, hear the lyrics and tune, it is clearly too loud. It is a bowl so sounds reverberate. Part of the difficulty is that there are two different laws – the Noise ordinance and the Zoning ordinance which is the Use Permit. All the people who got Use Permits agreed they would not have outdoor music. That's required because the businesses are two feet away from each other. Need a scheduling process because there is a difference when it is one vs four playing music simultaneously. And clearly audible to should apply 24 hours.

#8. Steve Bittner, Resident. Chapel St. (Wife Kim also sent an email.) Likes the energy of music but can disturb home life. Likes a measurable method such as decibels for instrument and time limits – apply different limits for weekends/weekdays/ holidays.

#9. Darrel Poe, Resident. School St. Echo what other folks have said, we need a reasonable agreement. Disagree that it is unreasonable to speak up if something is bothering you. Feels it is incumbent for the neighbors to raise the issue to one another.

#10. Rich Ross, Visitor. Spruce Valley Lane. Retired Navy Pilot – recidivist offender of noise ordinance. Moved here 12 years. Impressed with how much it has grown and yet still be a small town. Answer is not no noise / music or just music. Music is part of the ambiance. Life here is something that is not left many places anymore.

#11. Lisa and Boris Populoh, Visitor, Non-resident, Restaurant Business Owner Clifton Forge Dr. Partner in Clifton Café. Moved here 4 yrs ago. Need reasonableness and cooperation. Music is a very important facet of our business, happy to work with our community to regulate noise, frequency. We didn't think it was happening daily. With some limits on this we can all work together. We never swore an oath to never have music – it was mandated. We are not happy with it. We speak for our business and two others. We want to allow this really important facet of our business to continue. Whether it be weekly or monthly basis, so we can all come together and enjoy.

#12. Mark Phelps, Visitor, White Rock Rd, wife (#4) spoke and summed up well our position. So, I support the restaurants be able to have music and the business owners should be able to work it out with the community.

#13. Brant Baber, Resident. Ford Lane. 34 years residing here; Kathy Kalinowski's husband. Proud of community. Community is great and has become better over time. Better because of what I call the "ex-urbanites" have helped put a little more meat on the bone, new blood coming in. "Community of cooperators." Need a standard that can be applied. Create our own enforcement mechanism and administer it. I volunteer to be part of the committee that enforces the standard. We need to invest ourselves in administering it and enforcing it. Clearly audible is difficult to determine.

Sick of Jimmy Buffet all Summer long. And, take exception that the agreement restricting outdoor music was crammed down your throat. Town Council if need be, suspend or revoke the Use Permit. Do it. Enforce it. I volunteer to be part of it.

#14. Evelyn Larson, Visitor. Live outside town but came to support Clifton Café. We love it.

#15. Tom Van Blaricom, Visitor/Non-resident Commercial Property Owner, lives in Fairfax Station. Ownership interest in Weaver building [Clifton Café, All that Glitters]. Going to start off repeating some of the things I heard that I liked. I am going to start off saying I love music, I have my whole life. Thing it would be a shame if we can't work it out. I know we can. I've heard business owners say they are going to cooperate; heard residents say they are going to cooperate. I think music outside – loud music – is an important part of the Town. It is a fun thing to do, it draws people in. And, our businesses are small – we need this. I want residents to know I hear their pain. That it seems to me we have so many people here that can figure out a solution. Steve is lives right there and is on board with it. I want to say I am one more person who advocates for outdoor music.

Mayor Hollaway. At end of list of registered speakers, is there anyone else who wants to speak or someone who wants to speak again?

#16. Jaime Netschert, Resident. Chesnut St. We wrote a letter to the Town Council. Donna and I are not against music in town. There have been Sunday nights that I sang the lyrics to a song being played downtown. Thought that was little too loud, as did Donna. Seems to me maybe limiting the amplification, possibly even acoustically – which is not amplified – in certain venues because it doesn't transmit very far. We are both very much in favor of having music, maybe in a limited manner, we actually like the idea of toning it down a little bit.

#17. Michael Anton, Resident. Chapel St. Lived on Frog Hill when the noise ordinance for the neighborhood was developed. We were trying to create a no-noise ordinance. So there other noise rules in town. Live on the park. Has changed the play list at Peterson's by giving them his IPOD. As a neighbor, has gone in and turned it down/off. Appreciates that the Town stipulates and makes sure the music at Town Events does not start until the exact minute advertised and ends on time, so it is possible to do it. Has experienced it being too loud. Has had an argument about it. In favor of something being implemented something to being done to regulate it. Neighbor-to-neighbor doesn't work. Even the church plays a loud movie outdoors on Friday nights. This is not just about "businesses vs businesses." It is about other things that are going on, even the church has loud movies outside.

Wayne Nickum, Councilman. As far as events we do have something coming as the 31st, Special Events during the year violate the noise ordinance, such as the 4th of July, Halloween.

#18. Steffen Tengesdal, Resident / Commercial Property Owner. Main St. Not going to say anything that hasn't been repeated by everyone else. I travel to different countries – rich countries, poor countries but the one thing they have in common is music. Can be on the street, in a restaurant or outside a metro station. Come back here and it's absolute – yes we are going to have music or no we're not. Think that striking that balance is key. Something collaborative to come up with something that works, works for everybody that makes sense. I want to endorse music in the Town. Something collaborative. Think decibel is the only way to do it. There is no other fair way to do it. Lastly don't want to see Clifton's sound tape end with Don McLean song "Bye, Bye Miss American Pie."

#19. Blair Diseati, Visitor. Maple Br Rd. Lived here 20 years. Outsider looking in. This is about noise and not just about music. Been at Clifton Store when people have been there late but too much to drink get crazy out there. People talking about Erin's and Lisa's business [Clifton Café] and they play music there, it's enjoyable, people like music, if it's too loud then they need to manage that. Like Judy would if someone is out on her deck getting a little loud out there. Like Villagio plays music in the courtyard, if it is too loud, if there was a complaint or if someone called in it is the manager's obligation to turn it down. Peterson Ice Cream somebody should talk to Tom to work with his Jimmy Buffet music. I don't think this is just about Clifton Café and their outdoor music. That adds a lot to the Town and people come in to enjoy that but they have to manage it. Do we want regulations and laws and people going around and regulating it or do we want people to be responsible for their own business. Don't need regulation. I see one business against another. It's not a secret. The businesses have to work it out – not go to the Council. Why don't they work it out? Things happen in our Federal Government today that show how much people push their agenda. Not here in Clifton going around, going to the Council to push their agenda. What about inside? What about crowd singing in an establishment? How about the Barn? We like to go there and hear music. What if the door is open – is that outdoor music? Have time limitations on indoor and outdoor music. The main thing here is communication. It's about people not being able to talk it out. It's about people going different routes to get their agenda through. That's how I see it playing out here, for what it is worth.

#20. Randy Thompson, Resident. Business Owner - Musician. Let me just note one thing, everyone has spoken favorably about live music, reasonable live music. Okay? (See his concerns raised during the Mayor's introductory comments above.)

#21. Jennifer Heilmann, Resident/ Retail Business Owner. Chapel Rd, Council Member but speaking as a citizen, living half a block from the center of Town. Talk about regulating is important. It should not have to be up to the citizen calling every restaurant every time the music gets loud. And, there are residents who have had to do that. It gets tedious. And, I'd like to think the response was good, it wasn't always because of the difference of opinion about what is audible, what is good music. That's an important point. The size of properties in Clifton is significant – to say it can't be audible past property lines is difficult. Finally, about Use Permits – when the restaurant applied to the Town for a use permit more significantly as a dining venue. When you get into frequent outdoor live music it moves a little bit away from that dining venue concept to more of a music venue concept. Two very different things to have in a small Town – people stay longer, maybe drink more, get louder, instead of coming to dine then leaving. And, when you have music then the conversation – the whole noise level – outdoor din rises. Not just the noise of music but the outdoor dining as well – it all contributes.

#5. Pete Mills, Resident. Suggestion going forward that the model we used for the playground equipment update and basketball court in the park that involved everyone most effected, most impacted worked on it and would work well in his matter, too. That is, everyone most impacted – right at the heart of Town -- come together to work on it.

#5. Mary Mills, Resident. Even with windows closed we can still hear the music.

#3. Erin Tengesdal, Resident / Restaurant Business Owner. May I add something here? Our goal here is to provide an atmosphere, Fridays and Saturdays – not every Friday and Saturday. We kind of book people here and there – it is sporadic. Our goal here is looking at what does our clients need and what do they want. And, we felt that the people in this area work very, very hard. They drive their kids to and from sports. They are very actively involved. And, we thought it would be great since we have this patio to have one guy and his guitar strumming some cover bands while

they dined and ate. And all of our customers when they come they dine out on that patio. That means it's really for entertainment. Entertainment for the people after a long week and long day at work. Music and dining have always gone hand-in-hand. It provides a lot of stress relief for our customers. And, also for competing diners to have conversations that are not overheard. Whether it is live music or ambient background music, restaurant dining and music have always gone hand-in-hand. In my opinion.

#21. Jennifer Heilmann, Resident/ Retail Business Owner. Yes, understood. But there is a huge difference between background ambient music and live amplified music like we were hearing last Summer.

#5. Mary Mills, Resident. I would like to say I hear it inside my house, even my bedrooms – not nearly so much yours [Clifton Café] but the restaurant right across from us. Windows closed, doors closed, my daughter cannot do homework. We have tried to work it out but it just continues from until the weather gets good until it isn't. For several months. We hear it inside my house. Until 11 o'clock at night. We work hard too. And, we don't want to listen to music until 11 o'clock at night.

#22. Marilyn Barton, Resident. Chapel Rd. Key is the amplification. Not someone strumming a guitar. When you have a big amp and it's shaking your windows, that is what is a problem.

Additional Council Comments:

Mayor Bill Hollaway recognizes that the Town Council received emails, form letters, lengthy emails and named the people who sent them, including Margo and Mark Khosravi, Mike Booth, and Tom and Marilyn Barton. (See written comments below.) We also got short form letters from Blair Deseati and others that support outdoor live music.

Councilman Wayne Nickum. Please if after hearing the comments tonight you have comments just send us a note.

Bill Hollaway explained the history of the playground equipment update in the park (referenced by some speakers) as a collaborative effort that involved working group of both the park neighbors – directly impacted people and the users not directly adjacent.

In these various cases we balance these things and take into account the people directly affected and proximate to it. Not everyone proximate is in complete agreement but we will take it all into account. This is very, very helpful.

Councilman Wayne Nickum. I've lived here 44 years – I've seen it all. From the Buckley Inn to seldom scene, to people in front of my house drinking, having fights, waking me up and on my yard. Seen it all.

Mayor's Summation: We will take it all into account. Draft a new policy. Use Permits for restaurant are Special Use Permits and can be more limiting. Even if the noise policy changes, Use Permit restrictions can still prevent it [outdoor live or ambient music]. And, a Special Use Permit can be even more limiting. Such restrictions in the Use Permits / Special Use Permits are allowed as long as it is consistent. To change a Use Permit they would have to be amended. But, it would be consistent, objective and reasonable. We would have a policy about that restaurants could come in

to request a conforming amendment. The Use Permits / Special Use Permits cannot exceed the thresholds set in general by the Noise Ordinance.

Councilman Wayne Nickum makes a point that a Special Use Permit cannot exceed the overall Noise Ordinance.

John Powell, Resident. With the prevailing code, how do you deal with existing Use Permits? What is the current status?

Mayor Hollaway responds that no outdoor music is allowed – very easy to implement – and it is black and white now – noise ordinance controls and the current Special Use Permits are consistent with the noise ordinance now in effect.

John Powell, Resident. So any outliers would be governed by the new Code? Is anyone grandfathered?

Mayor Hollaway. The Council has not yet reached that question.

Mayor Hollaway concludes: At one time I thought we might have a second Public Meeting on outdoor music next month for those who were not able to attend but we have had good representation so we are ready to begin working on a new policy. It will be discussed in Public Meetings.

Ten minute break

1.4. Visitors' & Residents' Written Comments

A. Barton (Resident)

From: Thomas Barton [mailto:newt610@gmail.com]
Sent: Monday, March 02, 2015 12:26 AM
To: Hollaway Ph.D., William R.
Subject: outdoor music

Hello Bill.....We wanted to officially get our two cents in to you and the council about the outdoor music issue. We are NOT opposed to low level piped in music (like Peterson has going) and we are not opposed to live outdoor music for certain occasions. Consider each establishment may be allowed 5 events per year where outdoor live music is permitted. We would have no issue with this idea.....a limited number of outdoor music events allowed each establishment for live music not past 12 midnight per year. However if this concept is too hard to manage or control and the planning commission agrees..... the vote from the Bartons then is..... NO outdoor music at all. Thank you....Tom & Marilyn Barton.

B. Netschert (Resident)

Donna Netschert <villagetimesaver@aol.com>
Mar 3

to BILL, me, WAYNE, Vice, clifftownhall, Jennifer
To Whom It May Concern:

Jamie is thinking about attending the meeting this evening but for the rec'ord we are in general opposed to outdoor amplified music for all food establishments.

Should this discussion also include the Community Hall?

Jamie is thinking that a good compromise would be acoustical music such as a guitar player without amplification.

What happens when all of the food establishments have live amplified music at the same time is that we are hearing parts of each song so it becomes a cacophony of sound. We do not think it is appropriate for residents to be able to sing along with the music i.e. we can often hear the lyrics as well as the music at our house and we live further away from the heart of the business district than many other residents.

This is a separate issue from amplified Event Music such as Clifton Day, 4th of July, Labor Day Car Show, Kidfest, Wine Festival etc which we believe should not be included in this discussion. They should not be subject to the same "guidelines" as the eating establishments.

We enjoy the eating establishments in Clifton but we go for the food more than the entertainment. In our opinion, if the entertainment is too loud, it makes it difficult for us to communicate with each other and our dining companions. But you know we are now members of the "Clifton Fuddy Duddy Generation".

We hope this issue can be resolved without rancor. One of our favorite lines of all times we credit to a past Clifton resident, David Simpson.

"The definition of a good compromise is when everyone is a little bit unhappy!"

Respectfully yours,

Donna and Jamie Netschert

C. Kalinowski / Baber (Residents)

Kathy Kalinowski <khk@baberkal.com>
Mar 9

to Bill, Wayne, clifftownhall, Eric, dwaynenitz, jbheilmann, me
Dear Council Members:

Since you mentioned at the meeting that you would be taking written comments concerning the noise ordinance and outdoor music specifically, please consider the below comments.

Since Kathy spoke early in the proceedings, and Brant midway through, and we were present through all the public comments and the presentation by the County, we have the following additional comments we hope you will all seriously consider prior to the proposal and adoption of any policy.

1. We both were very concerned to listen to the County presentation and the comments of the County 911 dispatcher, and hear that even after all the work the County put into the new noise ordinance, and the existence of a prior noise ordinance, noise ordinances in general appear to be basically unenforceable by the County. We were especially appalled by the circumstance in Annandale which routinely resulted in police calls concerning the noise from a certain restaurant that appears to be an ongoing problem with no resolution in sight. Therefore, we believe we need to ask if we allow outdoor music by restaurants in Clifton, how do we successfully enforce whatever we allow? Two of the restaurants, Villagio and Clifton Café, which had a clear statement in their use permit that no outdoor music was allowed, continued to have outdoor music almost from their very inception. In fact, the music only stopped due to their violations being discussed at the Town Council level. What was even more dismaying was to hear the owners of the Clifton Café state at the meeting that they had never promised to follow any use permit. Given that the owners were present when the use permits were granted (both at the Planning Commission and the Town council meeting), and did not object to this limitation, one can only wonder about their ability to follow any limitation imposed by the Town.
2. Those who spoke in favor of live music were uniformly residents of Outer Clifton (yes they can return to their quiet homes), or owners or affiliates of the Clifton Café.
3. All residential neighbors near the restaurants spoke of problems with the loudness of outdoor music, the disturbance to their lives and abilities to enjoy both the inside and outside of their homes, and clearly stated it should not be up to them to have to call the various establishments and complain about the loudness.
4. No one seemed to mind reasonable background music of limited duration, outdoors and no one had any complaints about the indoor music that occurs at all the restaurants.
5. There is a significant difference between amplified live music and background music and frankly any establishment that wants live music outdoors on a regular basis is probably tending more to music venue than restaurant, and should specifically apply for that use.
6. If the neighbors surrounding the Town Park were able to have a significant say in what happens in the Park (playground equipment, basketball court), no policy with respect to outdoor music should be established by the Town without the input and concurrence of the neighbors around the restaurants within hearing distance. Nearly all these folks were at the meeting last Tuesday or sent in written comments, evidencing a clear interest in being part of a negotiated solution. These are the folks who are most affected by what occurs at the restaurants around them, from noise, to music, to parking, to trash issues.

Sincerely,
Kathy Kalinowski and Brant Baber

D. Effros (Resident)

steve@effros.com

Mar 9

to pmills, millseast5, passerina, Villagetimesav., Marilyn, Kathy, Bill, Wayne, Deborah, Eric, Dwayne, Jennifer, me

Kathy; In reaction to the note you sent to the Town Council, as you know, I concur in all you have said, but would add one more piece to this puzzle; as you did, I distinguish ambient background music (compliant with the noise ordinance, which I would hope sticks with a simple "clearly audible" standard) from live performance. As you noted, none of us seem to have had any problem with such performances inside. But outside performances change the nature of the use in major ways, not the least of which, as we witnessed with the Café, was the attraction of much larger crowds (using a "stage" and hay bales as seats, none of which were counted in their use permit) leading to considerable congestion, crowd noise, and significant parking issues due both to the larger crowds and the longer times cars were parked. (During the last "event" Ford Lane was totally blocked with cars.) All of this clearly argues for the fact that if anyone suggests a business wanting or requiring live outdoor performances they need to get a specific use permit (which I, for one, would oppose) that takes into account all those additional issues. No business in Clifton has even attempted to submit such an application, and none currently have such a use permit. As I noted at the meeting, the noise ordinance and the use permit are two entirely

separate issues. Given the ongoing difficulty of adhering to the current use permit restrictions regarding parking and seat limitations, it is hard to see how anyone could provide the obvious additional supervision and parking that would be required for a live entertainment venue. Steve Effros

PS; I've copied the TC on this note and, like yours, I would like it added to the record.

E. Khosravi, part 1 (Resident)

margo khosravi passerina@verizon.net via yahoo.com
Jan 19

to me, Kathy, Pat, Judy
Hi Sandra and Kathy:

I apologize for writing to you at the last minute, but I all of the sudden realized that tonight is the Public Hearing for Villagio's amended use permit and I will be unable to attend because I'm working (as usual). I'm not sure if Mark will be going or not.

For the record, I'm opposed to any kind of outdoor amplified music from the businesses at all. Although it seems that I don't get out that much anymore, I have noticed that on the rare occasions when Mark and I go out to places like Alexandria or Georgetown that the restaurants there don't find it necessary to play outdoor music, canned or otherwise, to attract patrons. I also don't consider a patio to be a continuation of indoor space, if this is a point that comes into question at all. For one thing it has no roof, and hence the sound has a way of dispersing up and carries out over the tops of the buildings.

For instance, on the night of Friday, May 16th, 2014, I came home from work late in the evening and decided to let our dogs out in the backyard. It was about 11:30 p.m. and because it was a lovely evening I stepped out into the yard with the dogs and I was surprised to hear music. I looked over at Sal and Gina's house next door, but all the lights were out. It was an otherwise very quiet night, so perhaps that's why the music was so noticeable - it was loud enough that if we had been entertaining out on our own patio, it would have been necessary to either enjoy the particular music that was audible (which I didn't) or turn on music of our own to drown it out, which would hardly have been fair to the adjacent neighbors. After searching around, I was surprised to find out that the music was coming from Villagio due to the phenomenon I mentioned in the above paragraph. Out of curiosity, I checked again twice at 11:45 and midnight and the music was still audible. Perhaps someone forgot to turn off the speakers on that particular evening, but it was annoying. The noise was not, however, so loud that it could be heard once you went back into the house.

Again, for the record, I don't think ANY business should be allowed to play outdoor music from or on the premises. I am equally annoyed when I walk past Trummer's with the dogs on a weekend and the music coming from their front porch is so loud that it's impossible to carry on a conversation with another person while walking past the building. Simply because we already have the noise of the train and the traffic coming through town doesn't mean that it's necessary to add to the din with the addition of music emanating from whatever establishment wants to add it to the "ambiance" of Clifton. If you allow one business to play outdoor music I would suppose that would mean all of them could and I would think that I wouldn't have to remind anyone that our town is unique because of the juxtaposition of commercial and residential properties. I hope when the planning commission makes their decision they will consider the right of the non-business owners in town to as peaceful an existence as possible given the current dynamics of the town.

To sum it up, my points are that I am opposed to outdoor amplified music of any kind from any business establishment and that a patio that is not ENTIRELY enclosed is not an indoor space.

Thank you,
Margo Khosravi

F. Khosravi, part 2 (Resident)

Hollaway Ph.D., William R.

From: margo khosravi <passerina@verizon.net>
Sent: Tuesday, March 03, 2015 1:56 AM
To: Hollaway Ph.D., William R.; Wayne Nickum; Jennifer Heilmann; Dwayne Nitz; Deb Dillard; Mark Khosravi; Judy McNamara; Eric
Subject: Outdoor Music Issue

Hi Bill:

I tried to get the evening of March 3rd off so I could attend the Town Council meeting, but I wasn't successful. Since I'm not able to attend, I wanted to write and let you know that I'm not in favor of any kind of amplified outdoor music, live or otherwise. As a homeowner here, I consider it an infringement on my right to at least a degree of peace and quiet and some semblance of a residential atmosphere, amidst what seems to be a flourishing, but increasingly obtrusive business community.

I've already written one detailed letter to the planning commission describing how outdoor music playing on the patio at Villagio has impacted our property. Basically, without a roof on the patio, the sound seems to travel up and over the rooftops and can be heard quite distinctly in our backyard. The effect is more noticeable when there is not a lot of street noise from passing cars and people talking and carrying on outside. I will also say that on many occasions last year I would walk out on our front porch in the early evening and hear rather loud live music coming from the Café, and I consider this offensive and intrusive. Likewise, the canned music that Trummer's sometimes blares from the front of their building on the weekends in the warmer months. We are a(n) historic district, not a collection of honky tonks on a boardwalk.

Over the past decade, I've watched the quality of life for those of us who actually have to live here erode. Instead of a little bit of yesteryear and a respite from the urban sprawl, Clifton has become like some kind of ersatz Victorian food court and watering hole - a place where people from outside the community come to get fed, get drunk, throw their trash on the sidewalk, and go home. I read with great interest recently of a group of citizens in New York state who have sued the planning commission and town council of the community they live in for making decisions that have had a negative effect on their quality of life. I believe that it's time for this town council to focus more on the concerns of the residents and preservation of the historic district and less on the accrual of bpol income and the appeasement of business owners who act like petulant children and threaten to sue because they aren't allowed to do whatever they want, no matter how adversely it impacts their neighbors.

Thank you,
Margo Khosravi

G. Blair Diseati (Visitor)

Hollaway Ph.D., William R.

From: Blair Diseati <bdiseati@designtechniques.net>
Sent: Monday, March 02, 2015 2:16 PM
To: Hollaway Ph.D., William R.; dwayneitz@gmail.com; plum1881@aol.com; clifnick@yahoo.com; henckeninclifton@gmail.com; jbheilmann@gmail.com
Subject: I Support Live Music on Main Street in Historic Clifton!

I am unable to attend the upcoming Town Council Meeting, but I'd like this email to serve as my show of support with regard to the issue of live music on Main Street. I further support the notion that the Town Council will work with businesses and town residents to provide a plan for regulated acoustic and/or amplified outdoor performances and/or other amplified sound.

Sincerely,

Blair Diseati
Design Techniques
Signage-Interior Displays



Suite 150
43045 John Mosby Highway
Chantilly, VA 20152

703.542.8795 Office
703.966.4940 Cell
703.348.7223 Fax
www.DesignTechniques.net

H. Michael Booth (Resident)

Hollaway Ph.D., William R.

From: Michael Booth <mikebooth1@me.com>
Sent: Tuesday, March 03, 2015 3:57 PM
To: Hollaway Ph.D., William R.; dwaynenitz@gmail.com; plum1881@aol.com; clifnick@yahoo.com; henckeninclifton@gmail.com; jbheilmann@gmail.com
Subject: Main Street Music

I'm not sure I'll be able to attend tonight's meeting, so I'd like to add Chris and my support to continue having live music in Main St venues. We live away from downtown Clifton and our son has played music often in Clifton, but we sincerely feel that live music is a real part of the fabric of our Town.

The Town needs to find ways to regulate how music is preformed and presented. But music has always been an important component in Clifton's charm, interest, and vitality.

Balancing the interests of listeners-by-choice with listeners-by-unwelcome-proximity will not be easy for the Town. But our Town officials are smart and have good judgment. We hope they can achieve a resolution and we can enjoy regulated music on Main St.

Chris and Mike Booth

Mike Booth's iPhone

I. Written Supplement by Ann Davison, Non-resident Speaker at Public Meeting

IC MANAGEMENT

7101 SYLVAN GLEN LANE
FAIRFAX STATION, VA 22039
703 346-7000

ANN.ICMANAGEMENT@GMAIL.COM
WWW.STEVELAURIMUSIC.COM

TC
3/3/15

My name is Ann Davison, I am the President of IC Management, and I am the manger of several British musicians. One of them, Steve Lauri from The Hollies, has performed in Clifton, although not in the town of Clifton.

Live music would be a wonderful addition to businesses in Clifton, and if it is done properly, should be enjoyable for everyone. Obviously all County noise regulations must be followed, but that does not always mean that some people will not be bothered by the noise level

The real key is to make sure that you are hiring professional musicians that have considerable knowledge of sound equipment, sound balancing, and the proper sound levels to achieve the maximum enjoyment for the target audience without letting too much of that music drift into areas that aren't necessarily interested in listening. A truly professional musician will have a sound tech who can make sure these goals are achieved. There are literally hundreds of people in this area who call themselves professional musicians, but are

really just starting out and have little professional experience. Unfortunately sometimes over zealous amateur musicians do not understand how to properly utilize their PA equipment, or worse yet, do not have the appropriate equipment for a specific venue. This is easily remedied by writing into the musician's contract that the appropriate equipment will be used, a skilled technician will balance and direct the sound, and all noise regulations will be adhered to.

The problem of excessive noise is not always remedied by having just an acoustic musician. Sound levels and proper equipment are always a must. I firmly support live music on Main, but all potential venues should be aware to write in to all contracts the need for a skilled tech to operate the sound board to insure a pleasurable experience for all. As long as the people booking the musicians are aware to require proper PA equipment and they are hiring professional musicians there should be no problems and all residents will benefit.

Please Note: In the minutes details below, the Council Members are referred to by initials, as follows: Wayne Nickum (WN); Jennifer Heilmann (JH); Deborah Dillard (DD); Eric Hencken (EH); Bill Hollaway (WH or BH); and Dwayne Nitz (DN).

2. Review of Minutes: (WN, JH, DD, EH)

- Oct 2014 accept – motion DD; 2nd WN; Approved Unanimous.
- Nov 2014 accept – motion JH; 2nd WN; Approved Unanimous.
- Dec 2014 table –motion WN; 2nd DD; Approved Unanimous. (EH has correction on investment amount.)

3. Report of the Treasurer -- Financial Report – Marilyn Barton.

EH Need to add a Town Council member for oversight for Car Tags.

Motion: BH make WN Council Member oversight Car Tags as well as BPOL 2nd EH.

Accept Treasurer's Report. Motion: WN; 2nd BH, Approved Unanimous

Attached are the Financial Reports for the period ended February 28, 2015. The reports include a Summary of Cash Balances, the Profit & Loss Summary by Fund, and the Profit & Loss Detail Export Report. I have included notes on the reports highlighting items of interest.

□ The Haunted Trail proceeds of \$41,549.05 were transferred from the Events Bank Account to the Money Market Savings leaving a holding balance of \$100.

□ The CIF Bond of \$10,000 is noted and netted from the CIF Fund Summary, as it will be reimbursed at the completion of the project.

□ The Car Show payment of \$500 has been requested and should be received in early March.

□ The VML insurance expense that was paid in June 2014, has now been accrued to FY15.

□ BPOL revenues for FY15 have been received in the amount of \$10,860.86 thus far. The payments are due by March 2nd, given that March 1 falls on a Sunday. A more complete report will be available with the March financials.

□ No additional auto tags filings were received in February. The vehicle plates, decals and master files have been provided to Sandra, as Clerk for further follow up and reporting.

Our audited financial statements for the period ended June 30, 2014 will be available for our next Town Council meeting. I will provide an electronic copy as soon as it is received. The auditors collected the final needed documentation and information regarding the status of the Special Projects during the last two weeks.

The initial mailing to the Town Council, Officials, and Chairs of Commissions and Committees was send today to kick off the budget process. I've requested return of budget requests for FY16 by March 15.

<u>Feb 15</u>	<u>Budget</u>	<u>Jul '14 - Feb 15</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
---------------	---------------	-----------------------------	-----------------------	--------------------------

Income						
1	Car Show Income	0.00		0.00	500.00	500.00
	Committees Fundraising	50.00	283.32	3,983.00	8,266.72	65,400.00
2	Community Hall Revenues	610.00	833.33	6,407.50	6,666.68	10,000.00
					15,000.0	
3	Haunted Trail Event	30.00	0.00	45,764.05	0	15,000.00
					15,283.3	
4	Interest Income	915.56	816.67	12,221.37	2	18,550.00
	Other Income	0.00	4.17	0.00	33.32	50.00
		2,200.	2,500.0		20,000.0	
	Pink House Rental	00	0	19,800.00	0	30,000.00
	Sign Sales Income	0.00	0.00	0.00	0.00	0.00
		13,419	3,575.0		35,400.0	
5	Tax and Permits Revenue	.52	0	45,804.73	0	95,700.00
		17,225	8,012.4		101,150.	
	Total Income	.08	9	133,980.65	04	235,200.00
		17,225	8,012.4		101,150.	
	Gross Profit	.08	9	133,980.65	04	235,200.00
Expense						
	Bank Service Charges	0.00		10.00		
6	Commodities	107.05	499.99	1,488.01	4,000.04	6,000.00
		2,164.	8,166.6		87,433.2	
7	Contractual	37	9	48,128.74	4	133,000.00
	Haunted Trail Expenses	0.00	0.00	10,178.05	8,000.00	8,000.00
	OTHER - TC approval req'd +\$500	0.00	625.00	0.00	5,000.00	7,500.00
		3,801.	4,218.3		35,682.8	
	Payroll Expenses	68	4	32,158.36	5	54,492.43
	Town Assoc of NoVA Event	0.00	0.00	0.00	0.00	0.00
		6,073.	13,510.		140,116.	
	Total Expense	10	02	91,963.16	13	208,992.43
		11,151	(5,497.		(38,966.	
	Net Income	.98	53)	42,017.49	09)	26,207.57
CIF FUNDS:						
	CIF Income					
	CIF - Capital Improvements Fund	0.00	65,839.17	9,000.00	565,713.32	829,070.00
8	CIF Expenses - <i>Less Bond Held for Special Projects:</i>			(10,000.00)		
			78,339.		667,713.	
	CIF Expenses	0.00	18	19,870.11	28	990,070.00
			(12,500		(101,999	
	Net Income - Operating Funds	0.00	.01)	(870.11)	.96)	(161,000.00)
		11,151	(17,997		(140,966	
	Consolidated Net Income	.98	.54)	41,147.38	.05)	(134,792.43)

NOTES:

- 1 James Chesley has requested payment of \$500 to the Town from the Car Show. This should be reflected in March.
- 2 Community Hall Revenues revenues are reflected for July - Jan. Funds are turned in after the close of the month, usually at the following Town Council meeting.
- 3 Efforts continue in collection of Haunted Trail IOU commitments.
- 4 Interest was received from the IDA Bond as anticipated in January.
The primary cause of the shortfall compared to the budget is the delayed payment of Sales Tax- only July - Dec. has been received thus far. Once Jan & Feb. are received, taxes and permits will exceed the budget. In Feb. \$7,617.97 was received bringing the total for FY15 BPOL filings to \$10,860.86. Outstanding BPOLs for FY14 remain at 1.7% - One additional response was received 12/31/14. Communications indicate that these will be forthcoming. No additional Vehicle tag filings were received in Feb. Vehicle plates, decals and master files were transferred to the Town Manager/Clerk for further follow up.
- 5

- 6 Commodity Expenses include Professional Fees for Accounting Fees for the Town's Audit work in progress in the amount of \$3,857.04, and for Legal Fees billed for Sept - December in the amount of \$6,625. Additionally, Planning Commission consultation provided by William Gordon Associates is included in the amount of \$1,200. All expenses are within the Town Council approved annual operating budget.

- 7 The \$9,000 reflects receipt of the Fire Programs Funds @ 90% of the FY15 level. These funds were disbursed to the Fairfax County Fire Dept. in January.

- 8 Reflects July purchase of stone for the Caboose parking lot. Also reflected is the \$10,000 bond issuance - this will be refunded at the completion of the project.

4. Reports of the Planning Commission (PC), Architectural Review Board (ARB) and Committees:

4.1. PC

PC Report – March 2, 2015 report inserted below the line.

PC #1 Specialze – Land disturbing activities requires Erosion & Sedimentation (E&S) and storm water management (SWM) permits (exceeds 2,500 sqft), plus health dept certificate, and ARB approval of the fence. Questions from DN on fences and structures. BH will sign Building Permit. Motion to approve Recommendation of PC -- WN; 2nd EH. Vote: Approved Unanimous
PC #2 Old Town Hall. ARB asking TC to consider waiver of loading space requirement since it was never used in Fullerton's space next door. Fullerton's Office building is a model for this. Town needs to send a recommendation to VDOT requesting 18 ft entrance rather than 30 ft entrance. Motion to approve Recommendation of PC with ARB approval for screening for trash and 18 ft rather than 30 ft entrance: WN; 2nd JH; and, BH recuse. Approved Unanimous 5/5 (1 recusal). DN will sign Building Permit.

PC #5. T&K move -- Sheldon Hofferaman applicant/ owner of building. Increase number of spaces to 3 – sign has to come back in for approval.

Motion to approve T&K move up to Main St. DD; DN 2nd; Approved Unanimous.

PC #4. Construction of new home at 7184 Clifton Rd. Too many issues that need to be reviewed per Joe McClellum. No Recommendation at this time.

PC #3. Brew Pub. Use requires Industrial Zoning, proposed building is not zoned industrial.

Increased waste water may require Board of Supervisors review of increase in volume for Industrial

area. Applicant states it is a small batch beer operation. Expects to recycle 100% of the water from two small household dishwashers. Using grain cook-off for chicken feed. Town Council prefers to have a commercial business in a commercial zone.

Discussion with applicant continues: Small batch – how many gallons? One barrel system 32 gallons at a time; how many fermenters multiplies that to perhaps 400 gallons a month. How do you dispense? Glasses on site. Sell growlers for dispensing. How many seats 10 – 12 people. Grains delivered in 45lb or 50lb bags.

Suggest they provide list of places like these brewpubs were handled from zoning standpoint.

Timetable – fed application takes at least 4 months; hoping mid-Summer.

WN suggested it may be possible to consider establishing a zoning exception in Commercial zone but not rezone to Industrial. Residents in the audience noted that boarders on “spot zoning,” which is specifically prohibited.

Put on agenda for next month.

Planning Commission Report inserted below.

PLANNING COMMISSION Report March 2, 2015

Present: Judy McNamara (acting chair), Susan Yantis, Patrick Pline, Jennifer Heilmann;

Absent: Kathy Kalinowski, Pat Layden, Mac Arnold

1. Recommend for approval of a preliminary use permit for construction based on the application from Maryland Pools on behalf of the owners Mr. and Mrs. Speziale, to construct a pool at 7153 Main Street, with a fence around the pool, provided that ARB approval is obtained, and further provided that the conditions set forth in the letter of the Town engineer, Joe McClellan, dated February 9, 2015, for obtaining the Fairfax County approvals, are met, and that when these specified conditions are met, the applicant will return to the Planning Commission with an application for a final use permit, and include the final construction plans.
2. Recommend for approval of a preliminary use permit for construction based on the application by Royce Jarrendt on behalf of owners William Hollaway and Phyllis Lovett, to construct an addition and expand parking at the Old Town Hall located at 12634 Chapel Road, with the condition that all the conditions set forth in the letter of Joe McClellan, the Town engineer, dated March 2, 2015 have been met, and also that the entrance to the property be reduced from the VDOT required 30 feet to 18 feet, and that the property not be required to have a loading space since it will be utilized as office space and not retail or other commercial, and that the parking indicated on the plans be corrected to 1 space for every 220 net square feet. Also, when those specified conditions have been met, the applicant will return to the Planning Commission for the issuance of a final use permit based on the final constructions plans.

3. Recommend for approval the application of T&K Treasures for a retail store located at 7145 Main Street Suite 1C, with 450 square feet based on the days and hours set forth in the application and with the allocation of three parking spaces.
4. Review of the application of Metropolitan Investment Group for the construction of a home at 7184 Clifton Road, which application has been reviewed by Joe McClellan, the Town Engineer. Based on Mr. McClellan's comments dated March 2, 2015, the Planning Commission required revised construction plans before the Planning Commission and Mr. McClellan can complete their review with respect to the issuance of a preliminary use permit for construction. Therefore no recommendation is being made at this time.
5. Review of an application of Colchester Group LLC for a use permit for the establishment of a beer production facility (brew pub) which would brew beer on premises, sell beer for off premises consumption, and sell beer and other snacks for on site consumption and also provide tours and educational events to be located at 12644 Chapel Road. The applicants were advised that the brewing of beer was a manufacturing activity which under our zoning ordinance could only take place in an industrial zoned area. The present proposed location is a leased commercial location in which this activity could not legally occur. Also, our Town Comprehensive Plan has as one of its goals the elimination of all industrial zoned land in the Town. Use of the proposed location as a restaurant would require a special use permit which requires a public hearing of the Planning Commission and Town Council. Therefore no action was taken on the application at this time.

4.2. ARB – Report from the ARB:

ARB #1 Town of Clifton, Triangle Gate-way sign. Approved.

ARB #2 Hollaway application, lowered gable, elimination of loading space. Approved.

ARB#3 Main St Pub. Metal door since at least 1990. Guidelines specify it has to be appropriate to the building, a former gas station. A window was installed as a vinyl window, cladding it in painted wood and owners agreed. 3rd issue was railing/fence, this was not temporary but required a similar configuration painted wood or cellular pvc. 4th issue was a design with 6 sqft for the face. Mid- April the wood cladding will be installed.

4.3. Committees

4.3.1. Clifton Art Council

Reading of the Play – Shutter. Turned in a profit of \$190. Deborah Dillard stepped up to produce it.

Clifton Dessert Theatre. Cooperative marketing with the local restaurants. Cabaret through time.

Thursday, Fri, Sat Memorial Day Weekend. Push it to the first weekend in June 4-6, 2015.

Propose and authorize the budget motion BH, 2nd JH, vote: WN, yea; JH yes; DN; BH; Aye – Approved Unanimous.

4.3.2. Clifton History Commission – sponsor Mosby speaker, April 29th 7-9 pm to commemorate and discuss the 150th anniversary of the Skirmish at Arundel Tavern April 10, 18... 150yrs ago. Use Town Hall free and waive the deposit. WN motion; 2nd DN. Vote Approved Unanimous. Written proposal attached:

TC 3/3/15

The Clifton Historic Preservation Committee would like to sponsor a lecture by Masby historian Don Hakenson in the community hall on ^{Wed} April 29, 2015. They are asking for permission to use the hall that evening without charge + to not have to post a deposit. The event will be free of charge + no refreshments will be served.

The topic of the lecture will be the skirmish at Arvade's Tavern (the house on the east side of 123 at its intersection w/ Clifton Rd. April 16th is the 150th anniversary of the fight, which occurred between Masby's Rangers + federal cavalry + was the last action of the war to take place in Fairfax Co.

The last lecture on Masby, in July 2014, was held at the Mason's Lodge, which wasn't large enough + people had to be turned away. The committee is planning a lecture on Clifton + its origins for later in the spring. They don't have a firm date for that one yet, so they will have to come back again to ask for the use of the hall for that event once they get a commitment from the speaker.

4.3.3. IDA BH Motion: reappoint Jeff Stein 3/4/18; Ridenour 3/4/18; Brant Baber 3/4/19. (Four year terms.) 2nd WN. Approved Unanimous. Updated Committee List:

INDUSTRIAL BOND AUTHORITY

Brant Baber, Chair	03-04-19
Jim Chesley (fill unexpired term)	03-04-16
Steve Effros	03-04-17
Pete Mills	03-04-17
Jeff Stein	03-04-18
William Ridenour	03-04-18
Wayne Nickum, Town Council Representative	03-18-17

4.3.4. Clifton Gala Proposed Schedule. Summer or Fall date. Not in April this year.

5. Communications: Presbyterian Church Spaghetti Dinner Banner. WN motion; DD 2nd; Approved Unanimous

<p>6. Citizen's Remarks – No Motions.</p> <p>6.1. John Powell – “Tip my hat for the Haunted Trail number! Fantastic!”</p> <p>6.2. John Powell – “Where is the rental payment for Labor Day Car Show booked?” Treasurer responds, “line 4.” Citizen continues, “am appalled it has not yet been paid.”</p>
<p>7. Unfinished Business</p>
<p>7.1. (Agenda 7.a) Investigation of Complaint – Main St Pub. . Final Report not yet out; McNamara's have taken pro-active action with ARB. So many ARB issues have been resolved.</p>
<p>7.2. (Agenda 7.b) Golf Cart Ordinance</p> <p>Golf Cart Ordinance Changes – for consideration and adoption the next meeting. Start the agenda with a public meeting. JH questions about parking on sidewalks and parks. WN don't and signs – give out rules with the Town Tag. Proof of insurance is required. Process to be discussed but may require physical presentation of the cart.</p>
<p>7.3. Motion to Table 7.b,c,d,e and 8 b. Approved Unanimous</p>
<p>8. New Business</p>
<p>8.1. (Agenda 8.a) Milestone Cell Tower Proposal – 140 ft is correct but wanted a Tree Tower. Need Public meeting after our April Council meeting but not during Springbreak. Needs to be when school in session. Sandra to followup.</p>
<p>8.2. (Agenda 8.b) Request for Plaque Re: Caboose History and Installation. Tabled.</p>
<p>8.3. (Agenda 8.c.) Green space – 20 ac available. Can be acquired for storage and parking as parking. JH if we didn't buy it is it unusable. Timeframe? Can put it in budget for next year. Capital improvement for purchase of green space.</p>
<p>Motion adjourn 12:02 a.m. March 4, 2015</p>